

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 401

September 8, 1995, 9:42 a.m.  
Page S-12876 Temp. Record

## WELFARE REFORM BILL/Federal Funds Must be Used Like State Funds

**SUBJECT:** Family Self-Sufficiency Act of 1995 . . . H.R. 4. Brown amendment No. 2465 to the Dole modified perfecting amendment No. 2280 to the committee substitute amendment.

### ACTION: AMENDMENT AGREED TO, 92-6

**SYNOPSIS:** As reported with a committee substitute amendment, H.R. 4, the Family Self-Sufficiency Act of 1995, will overhaul 6 of the Nation's 10 largest welfare programs.

The Dole modified perfecting amendment would strike the provisions of the committee substitute amendment and insert in lieu thereof substitute provisions, entitled "The Work Opportunity Act of 1995."

**The Brown amendment** would require States to expend any Federal block grant funds they receive under this Act in accordance with the laws and procedures applicable to expenditures of their own revenues.

**Those favoring** the amendment contended:

The core and essence of this welfare reform proposal is that States and communities can do a better job in deciding how their funds are expended on welfare programs than can a centrally planned government thousands of miles distant. In 44 of the States, this proposal to give States block grants will result in decentralization, but in 6 States, it will result in an unwelcome concentration of power that we believe will be unconstitutional. Article IV, section 4 of the Constitution guarantees every State a republican form of government with separate legislative and executive branches. The Founding Fathers intended for power to be diffuse at the State level as well as at the Federal level. As James Madison put it in the Federalist Papers No. 47, "There can be no liberty where the legislative and executive powers are united in the same person or body or magistrates. \* \* \* The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." Giving welfare block grants to these 6 States in which the governors not only have the executive power to administer the funds, but the legislative power to appropriate the funds for the programs that they wish,

(See other side)

YEAS (92)				NAYS (6)		NOT VOTING (2)	
Republican (47 or 90%)		Democrats (45 or 98%)		Republicans (5 or 10%)	Democrats (1 or 2%)	Republicans (2)	Democrats (0)
Abraham	Inhofe	Akaka	Inouye	Ashcroft	Biden	Cochran- <sup>2</sup>	
Bennett	Jeffords	Baucus	Johnston	Chafee		Murkowski- <sup>2</sup>	
Bond	Kassebaum	Bingaman	Kennedy	Coats			
Brown	Kempthorne	Boxer	Kerrey	Gregg			
Burns	Kyl	Bradley	Kerry	Thompson			
Campbell	Lott	Breaux	Kohl				
Cohen	Lugar	Bryan	Lautenberg				
Coverdell	Mack	Bumpers	Leahy				
Craig	McCain	Byrd	Levin				
D'Amato	McConnell	Conrad	Lieberman				
DeWine	Nickles	Daschle	Mikulski				
Dole	Packwood	Dodd	Moseley-Braun				
Domenici	Pressler	Dorgan	Moynihan				
Faircloth	Roth	Exon	Murray				
Frist	Santorum	Feingold	Nunn				
Gorton	Shelby	Feinstein	Pell				
Gramm	Simpson	Ford	Pryor				
Grams	Smith	Glenn	Reid				
Grassley	Snowe	Graham	Robb				
Hatch	Specter	Harkin	Rockefeller				
Hatfield	Stevens	Heflin	Sarbanes				
Helms	Thomas	Hollings	Simon				
Hutchison	Thurmond		Wellstone				
	Warner						

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

thus will allow an unconstitutional concentration of power in those States. Making matters worse, these governors will also have an indirect judicial role, because this bill will give them veto authority over auditors who will be appointed to monitor their expenditure of Federal funds. They will thus appropriate the money, spend the money, and pick the judge to review how they spent the money. With categorical grants, Congress designs the programs on which the governors may spend money. With block grants, though, no Federal or State legislative input will be provided. We think this lack of legislative input is unconstitutional. Accordingly, we have proposed the Brown amendment, which would have the effect of requiring the State legislatures in these 6 States to decide how to spend Federal block grant welfare funds. We urge our colleagues to support republicanism by supporting this amendment.

**Those opposing** the amendment contended:

The Brown amendment is targeted at the 6 States that have separate procedures for deciding how to spend Federal and State funds. In those 6 States, the governors decide how to spend Federal block grant money. Some Senators object to that arrangement. For our part, we do not pass judgment, because we do not think it is any of our business. The legislatures of those 6 States passed laws giving their governors authority over Federal funds. If those State legislatures decide they want to change this authority, they are free to enact new laws. The Federal Government should not be in the business of telling State governments how to conduct their own affairs. We thus urge the rejection of the Brown amendment.